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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,783	11/07/2000	Hideto Miyazaki	199322US2	8390
22850	7590	01/19/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			SINGH, SATWANT K	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	

2626

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/706,783	MIYAZAKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Satwant K. Singh	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 3-12, filed September 08, 2004, with respect to the rejection(s) of claim(s) 1, 4, 5, 8, 9, 12, and 13 under Minamizawa (US 6,064,490) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yamazaki (US 6,563,603).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yamazaki (US 6,563,603).

4. Regarding Claim 1, Yamazaki discloses an image processing apparatus (scanner 100) comprising: an entirety controlling unit (control board 130) connected to at least two units of an image reading unit for reading an image data (reading control unit 131), and image memory control unit which controls an image memory so as to write/read the image data (memory control unit 134), an image processing unit which

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subjects the image data to an image processing (image processing unit 135), image writing unit for writing the image data on a paper (printer interface control unit 137) (col. 3, lines 12-32), wherein said entirety controlling unit controls processing between said units and transmission/reception of the image data between the units (Fig. 1) (control board 130); and a memory unit which previously stores a processing information on a content of the image processing with respect to the image data (memory 132), wherein said entirety controlling unit reads a part of the processing information stored in said memory unit and stores the read information in a storage unit provided in said image processing unit (the 8 bit R, G, and B image data readout and output by the reading unit 110 is stored in the memory 132 in the control board 130), and said image processing unit subjects the image data to the image processing based on the processing information stored in said storage unit (the R, G, and B data read out from the memory 132 in input to an area differentiation unit 139 and area differentiation to distinguish between the character areas and photo areas, for example is performed) (col. 5, lines 16-38).

5. Regarding Claim 2, Yamazaki discloses an image processing apparatus wherein said image processing unit includes: a processing information memory unit which stores the processing information which is referred to in subjecting the image data to the image (image processing parameters calculated in S14 and S16 are stored in the backup RAM 133) (Fig. 2(B)) (col. 5, lines 7-8); and a processing information controlling unit which controls the transmission/reception of the processing information which is referred to in subjecting the image data to the image processing between said storage

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unit and said processing information memory unit processing (the R, G, and B data read out from the memory 132 in input to an area differentiation unit 139 and area differentiation to distinguish between the character areas and photo areas, for example is performed) (col. 5, lines 16-38).

6. Regarding Claim 3, Yamazaki discloses an image processing apparatus, further comprising a processing period detecting unit which detects whether or not said image processing unit is subjecting the image data to the image processing (Fig. 2(A), S1) (CPU 138 of the scanner 100 determines from the result of communication with the printer 200 whether or not printer initialization has been completed) (col. 4, lines 7-13); wherein said processing information controlling unit transmits/receives the processing information which is referred to in subjecting the image data to the image processing between said storage unit and said processing information processing unit when said processing period detecting unit detects that said image processing unit is not subjecting the image data to the image processing (Fig. 2(A), S2) (if the answer is YES, it proceeds to the next step)

7. Regarding Claim 4, Yamazaki discloses an image processing apparatus wherein the control performed by said entirety controlling unit is performed by an image processor which manages the entire image processing apparatus (CPU 138 that performs overall control of the components described above) (col. 3, lines 12-32).

8. Claims 5, 9 and 13 are rejected for the same reason as claim 1.

9. Claims 6 and 10 are rejected for the same reason as claim 2.

10. Claims 7 and 11 are rejected for the same reason as claim 3.

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11. Claims 8 and 12 are rejected for the same reason as claim 4.
12. Regarding Claim 14, Yamazaki discloses an image processing apparatus, wherein the image processing includes editing the image data (image processing unit 135 that performs image processing such as logarithmic conversion, UCR/BP processing, color conversion, etc.) (col. 3, lines 19-28).
13. Claims 15-17 are rejected for the same reason as claim 14.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Minamizawa (US 6,064,490) discloses a peripheral multifunction device.

Asahi (US 6,603,570) discloses an image processing apparatus that can execute a plurality of functions.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (703) 306-3430. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (703) 305-4863. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



sks

Satwant K. Singh  
Examiner  
Art Unit 2626



**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**